

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

GEORGE GATLIN,)	
)	
Plaintiff,)	No. 07 C 7212
)	
v.)	Judge Lefkow
)	
P.O. A. CRISCIONE, Star #16195,)	Magistrate Judge Cole
P.O. S. MULKERRIN, Star #17071,)	
ANTHONY CAPUTO, individually, and THE)	
CITY OF CHICAGO, ILLINOIS SOLUTION)	
GROUP, and BILL KAY CHRYSLER)	
)	
Defendants.)	JURY DEMANDED

PLAINTIFF'S AGREED MOTION FOR EXTENSION OF TIME TO SERVE
DEFENDANT CAPUTO

Plaintiff, GEORGE GATLIN, by and through his attorneys, Ed Fox & Associates, and pursuant to the Federal Rules of Civil Procedure, hereby moves this court to enter an order granting him an extension of time to serve summons on Defendant Caputo. In support of his motion, Plaintiff states:

- 1) This action was commenced by the filing of a complaint on December 21, 2007, alleging causes of action under the Civil Rights Act of 1871 (42 U.S.C. § 1983) and state supplemental claims.
- 2) On January 2, 2008, Plaintiff served Defendant Caputo with a waiver of service of summons. Defendant Caputo did not waive service. On February 20, 2008, Plaintiff issued a summons to Defendant Caputo. Plaintiff's process server attempted to serve Defendant Caputo on five different occasions. On each occasion the process server was informed that Caputo would not come out of his office to accept service. On March 14,

2008, Plaintiff again attempted to serve Defendant Caputo with a waiver of summons through certified and regular mail. Defendant Caputo did not waive service.

- 3) Plaintiff is now informed and believes to be true that Defendant Caputo is employed by Illinois Solution Group. Plaintiff has amended the complaint to add Illinois Solutions Group as a Defendant.
- 4) Plaintiff attempted to serve Illinois Solution Group with a waiver of service of summons through certified mail. Plaintiff intended to subpoena Defendant Caputo's employee file containing Caputo's residence address from Illinois Solution Group in order to serve Caputo at his abode. However, Illinois Solution Group would not claim the waivers and Plaintiff's complaint sent by certified mail. This has resulted in delay.
- 5) Plaintiff requests an additional 30 days to serve Defendant Caputo. Plaintiff has now served all other Defendants. This request is made in good faith and is not being brought for the purpose of delay. This case is in its early stage and defendants will not be prejudiced by this extension.
- 6) Plaintiff's counsel spoke to Tiffany Harris, counsel for Defendants the City of Chicago, Mulkerrin, and Criscione, and Stuart Gordon, counsel for Bill Kay Chrysler. Both counsel stated that they would have no objections to an extension of time to serve Defendant Caputo.

WHEREFORE, Plaintiff requests that the Court grant him an additional 30 days to serve Defendant Caputo.

ED FOX & ASSOCIATES
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BY: /s/ Leslie C. McCoy
Leslie C. McCoy